

### REMARKS

Claims 1-134 were previously pending in this application. By this amendment, claims 1, 16-19, 32-35, 38, 52-55, 58, 72-75, 78, 92-95, 98, 114-117, 120 and 130-133 are amended. No new claims have been added. As a result, claims 1-134 are pending for examination with claims 1, 22, 38, 58, 78, 98, and 120 being independent claims. No new matter has been added.

Applicants wish to thank the Examiner for the courtesy of the telephone interview of March 12, 2004. The substance of the discussions during the interview are incorporated into the following remarks.

#### Allowable Subject Matter

Claims 22-37 have been allowed. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

#### Claim Objections

The Examiner objected to claims 16-19, 32-35, 52-55, 72-75, 92-95 and 114-117 because of informalities in the choice of claim language. Specifically, the Examiner stated that describing the snow gasket as having features such as an "enhanced property," "improved stretch properties," "improved abrasion resistance," or "improved durability properties" make it unclear how the terms "enhanced" or "improved" relate to the structure of the invention. While the use of this claim language was not specifically rejected under a section of 35 U.S.C. (e.g., §112, second paragraph), Applicants have removed the terms "enhanced" and "improved" and amended the objected to claims to recite a region or portion of the snow gasket has "a property different from" another region or portion of the snow gasket. Accordingly, the objections to the claims should be withdrawn.

#### Claim Rejections

Claims 1-11, 13-20, 38-47, 49-56, 58-67, 69-76, 78-87, 89-96, 98-109, 111-118, 120-125 and 127-134 are rejected under 35 U.S.C. §103(a) over Messmer (U.S. Patent No. 6,138,384) in view of Bell et al. (U.S. Patent No. 5,317,820). Claims 21, 57, 77, 97 and 119 are rejected under 35 U.S.C. §103(a) over Messmer in view of Bell as applied to claims 1, 38, 58, or 78 above, and further in view of Laughlin et al. (U.S. Patent No. 6,123,354). Further, claims 12, 48, 68, 88, 110 and 126 are rejected under 35 U.S.C. §103(a) over Messmer in view of Bell, as applied to claims 11, 47, 57, 87 or 125 above, and further in view of Gonthier (U.S. Patent No. 6,402,164).

During the interview, Applicants offered to amend independent claims 1, 38, 58, 78, 98, and 120 by incorporating into each of these claims the feature that the snow gasket or the at least partially enclosed heel end is mounted to the binding (e.g., the base or baseplate). Specific language was agreed upon, and the Examiner stated during the interview that these independent claims would be allowable if amended as shown in the attached amended version of the claims.

Thus, Applicants have amended independent claims 1, 38, 58, 78, 98, and 120 in accordance with the Examiner's request. Applicants respectfully submit that claims 1-21 and 38-134 should be allowable.

Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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